

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

JOSHUA BEALL,	:	
	:	
Petitioner,	:	Case No. 3:22-cv-212
	:	
v.	:	Judge Thomas M. Rose
	:	
WARDEN,	:	Magistrate Judge Caroline H. Gentry
	:	
Respondent.	:	
	:	

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**ENTRY AND ORDER ADOPTING REPORT AND RECOMMENDATION  
(DOC. NO. 8); DISMISSING WITH PREJUDICE PETITION UNDER 28 U.S.C.  
§ 2254 FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE  
CUSTODY (DOC. NO. 1)**

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Currently before the Court are Petitioner Joshua Beall’s (“Beall”) Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (the “Petition”) (Doc. No. 1), and the Report and Recommendation (“the Report”) (Doc. No. 8) issued by Magistrate Judge Caroline H. Gentry. In her Report, Magistrate Judge Gentry recommends that the Court dismiss Beall’s Petition with prejudice because Beall’s stated grounds for *habeas corpus* relief are either procedurally defaulted or otherwise meritless. (Doc. No. 8 at PageID 2682-83, 2685, 2687.) Magistrate Judge Gentry further recommends that, because reasonable jurists would not disagree with this conclusion, Beall be denied a certificate of appealability and not be permitted to proceed *in forma pauperis*. (*Id.* at PageID 2687.)

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case. Upon said review, the Court **ADOPTS** the Report and Recommendation (Doc. No. 8), without objection. Wherefore, the Court **DISMISSES**

Beall's Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (Doc. No. 1) **WITH PREJUDICE**. Because reasonable jurists would not disagree with this conclusion, Beall is **DENIED** a certificate of appealability and the Court **CERTIFIES** to the Sixth Circuit that any appeal would be objectively frivolous and therefore, Beall should not be permitted to proceed *in forma pauperis*. The Clerk is hereby directed to **TERMINATE** this action on the Court's docket.

**DONE** and **ORDERED** in Dayton, Ohio, this Monday, November 4, 2024.

s/Thomas M. Rose

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE